

**Court No. - 40**

**Case :-** WRIT - C No. - 34542 of 2023

**Petitioner :-** Mohammad Akhtar

**Respondent :-** State Of U.P. And 5 Others

**Counsel for Petitioner :-** Parvez Alam, Mohd. Israr

**Counsel for Respondent :-** C.S.C.

**Hon'ble Mahesh Chandra Tripathi, J.**

**Hon'ble Prashant Kumar, J.**

1. Heard learned counsel for the petitioner, Mr. Ambrish Shukla, learned Additional Chief Standing Counsel for the State-respondents and perused the record.

2. By means of the instant petition, petitioner has prayed for following principal reliefs:-

"(i) Issue a writ, order or direction in the nature of Mandamus directing the respondents to consider the issuance of No Objection Certificate in favour of the petitioner as is provided under Rule 10.03 of Food Safety and Standards (Licensing and Registration of Food Business), Regulation, 2011, in accordance with law.

(ii) Issue any such order and further orders which this Hon'ble Court may deem fit and proper under the circumstances of the case."

3. Learned Additional Chief Standing Counsel fairly states that in case petitioners move a fresh application at the earliest before the Competent Authority, definitely the same would be considered expeditiously.

4. In the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration. The writ petition, on consent, is **disposed of** asking the petitioner to move a fresh representation ventilating all his grievance before the Assistant Commissioner (Food), Food Safety and Drug Administration, District Sant Kabir Nagar-respondent no.6. In case any such representation is moved by the petitioner within ten days, we hope and trust that the said representation would be considered on merit by the Competent Authority, who must accord audience to the parties having stake in the matter and only thereafter decide the said representation expeditiously, preferably within six weeks. Suffice to indicate that the Court has not adverted on the merits of the case.

**Order Date :-** 17.10.2023

Sachin